

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

FILED

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U.S. DISTRICT COURT
N.D. OF ALABAMA**UNITED STATES OF AMERICA**

vs.

Case No. CR-00-S-422-S**ERIC ROBERT RUDOLPH****ENTERED**

SEP 29 2004

ORDER

This matter is before the court on defendant's motion to extend time for filing Rule 16(b)(1)(C) summaries (doc. no. 307). The court initially imposed a deadline of September 7, 2004, for defendant to file expert witness summaries. Defendant now argues that it has not received all of the necessary materials in order to file expert witness summaries. The government responded that it is still working on addressing the issues raised by defendant in its motion and will provide the requested materials, if they exist, as soon as possible.¹ The government further states that it will file a detailed reply regarding the status of production of these materials.

The court is unaware from the government's response its timetable for complying with the defendant's request, but wants to be very clear that trial will begin

¹ See doc. no. 327. However, the government states that it will not provide field notes made by agents contemporaneously with searches of the crime scene and the defendant's residence and vehicle and disputes that it agreed to produce materials from non-testifying witnesses. This dispute regarding the scope of discovery the government agreed to or should produce will be brought before the magistrate judge promptly upon defendant's receipt of the government's detailed reply. See Defendant's Reply (doc. no. 337).

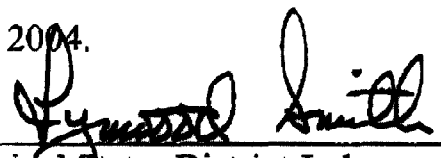
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as scheduled, if not earlier, and that further delays caused by the government may result in its evidence being stricken. At minimum, the government's delay will result in the postponement of the filing of any expert witness summaries pursuant to Rule 16(b)(1)(C).

Accordingly, defendant's motion to extend time for filing Rule 16(b)(1)(C) summaries is GRANTED due to the government's delay in producing necessary material to defendant. Defendant's Rule 16(b)(1)(C) summaries are due thirty days after the government complies with defendant's request for discovery.

The government is directed to file a notice with the court no later than October 5, 2004 indicating when it shall provide defendant with all materials necessary for defendant to file expert witness summaries pursuant to Rule 16(b)(1)(C).

DONE this 29th day of September, 2004.



United States District Judge